

COPY

PATENT

DECLARATION, POWER OF ATTORNEY, AND PETITION

We, John B. Slate, a citizen of the United States of America, having a residence and post office address of 3914 Kendall Street, San Diego, California 92109; Michael W. Burk, a citizen of the United States of America, having a residence and post office address of 1917 Redwing Street, San Marcos, California 92069; and Lanny A. Gorton, a citizen of the United States of America, having a residence and post office address of 10302 Viacha Drive, San Diego, California 92124; verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled JET INJECTOR HAVING A MECHANISM FOR CREATING AIR-IN-TIP, for which a patent is sought and which is described and claimed in the specification which was filed in the United States Patent and Trademark Office as Serial No. 10/123,898 on April 15, 2002; (We hereby authorize the attorneys of Nydegger & Associates to insert said serial number and filing date when known.); that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys NEIL K. NYDEGGER, Registration No. 30,202, MATTHEW K. HILLMAN, Registration No. 45,892, and TIMOTHY W. FITZWILLIAM, Registration No. 46,439, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All correspondence and telephonic communications should be directed to:

Neil K. Nydegger, Esq.
NYDEGGER & ASSOCIATES
348 Olive Street
San Diego, California 92103
(619) 688-1300

Wherefore, we pray that a letters patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at San Diego, California this 22 day of April, 2002.

Inventor John B. Slate
John B. Slate
3914 Kendall Street
San Diego, California 92109

Signed at San Diego, California this 22 day of April, 2002.

Inventor Michael W. Burk
Michael W. Burk
1917 Redwing Street
San Marcos, California 92069

Signed at San Diego, California this 22 day of April, 2002.

Inventor Lanny A. Gorton
Lanny A. Gorton
10302 Viacha Drive
San Diego, California 92124

declpoapet:ddb
Docket: 11102.5

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Form PTO-1595
(Rev. 10/02)RECORDATION FORM COVER SHEET
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

OMB No. 0651-0027 (exp. 6/30/2005)

Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Avant Drug Delivery Systems, Inc.

2. Name and address of receiving party(ies)

Name: Avant Medical Corp.

Internal Address: _____

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: 09/09/03

Street Address: 10225 Barnes Canyon Road

Suite A113

City: San Diego State: CA Zip: 92121

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s) _____

See attached Schedule A

B. Patent No.(s) _____

See attached Schedule A

Additional numbers attached? ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Neil K. Nydegger, Esq.

Internal Address: _____

Street Address: Nydegger & Associates

348 Olive Street

City: San Diego State: CA Zip: 92103

6. Total number of applications and patents involved: 7

7. Total fee (37 CFR 3.41).....\$ 280.00

- ☒ Enclosed Check #16431
☐ Authorized to be charged to deposit account

8. Deposit account number:

14-1519

DO NOT USE THIS SPACE

9. Signature.

Neil K. Nydegger

Name of Person Signing



Signature

October 3, 2003

Date

Total number of pages including cover sheet, attachments, and documents: 5

Mall documents to be recorded with required cover sheet information to:
 Commissioner of Patents & Trademarks, Box Assignments
 Washington, D.C. 20231

ASSIGNMENT

WHEREAS, Avant Drug Delivery Systems, Inc., a California corporation, having offices at 3914 Kendall Street, San Diego, California 92109, ("Assignor"), has certain rights and title to those patents and patent applications set forth on the attached Schedule A (all such technology referred to herein as the "Technology/Intellectual Property"); and

WHEREAS, Avant Medical Corp., a California corporation having offices at 10225 Barnes Canyon Road, Suite A113, San Diego, California 92121, ("Assignee"), is desirous of acquiring an interest in the Technology/Intellectual Property:

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all of Assignor's right, title and interest in and to the Technology/Intellectual Property and to all foreign counterparts (including patent, utility model and industrial designs), and all future improvements thereon, and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world; and further including: (i) all income, royalties, and damages now and hereafter due and/or payable to Assignor, including without limitation, damages and payments for past or future infringements and misappropriations thereof; (ii) all rights to sue for past, present and future infringements or misappropriations thereof; and (iii) all rights corresponding to any of the above throughout the world. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the Technology/Intellectual Property and any improvements, (b) execute, verify, acknowledge and deliver or cause to be delivered all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the Technology/Intellectual Property and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignor has caused this Assignment to be duly executed by its duly authorized officer on the date set forth below.

DATED this 9th day of September, 2003.

AVANT DRUG DELIVERY SYSTEMS, INC.

John B. Slate
John B. Slate, Vice President - Operations

[Corporate Seal]

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

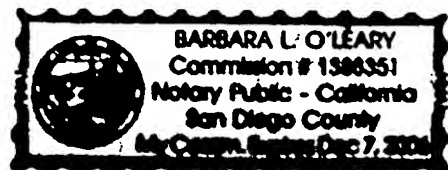
On September 9, 2003 before me, Barbara L. O'Leary, Notary Public, personally appeared John B. Slate, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Barbara L. O'Leary

(Seal)

Docket: 11102.100

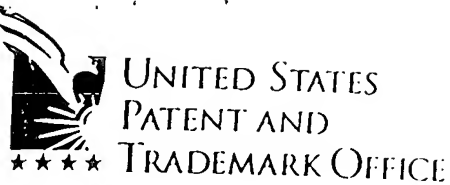


SCHEDULE A

<u>DOCKET</u>	<u>TITLE</u>	<u>DATE FILED</u> <u>SERIAL NO.</u>	<u>DATE ISSUED</u> <u>PATENT NO.</u>
11102.1	Two-Stage Fluid Medicament Jet Injector	Filed 05/22/97 USSN 08/861,968	Issued 06/15/99 US Pat No. 5,911,703
11102.1a	Two Stage Fluid Medicament Jet Injector	Filed 05/20/98 European Application No. 98303981.9	Issued 07/31/02 European Patent No. 0879609
11102.1.1	Jet Injector	Filed 06/08/00 USSN 09/590,857	Issued 06/18/02 US Pat No. 6,406,456B1
11102.1.1a	Jet Injector	Filed 05/25/01 European Application No. 01304642.0	
11102.1.1b	Jet Injector	Filed 06/07/01 Japanese Patent No. 2001-172972	
11102.1.3	Air-In-Tip Jet Injector (CIP)	Filed 09/20/00 USSN 09/665,849	
11102.1.3a	Air-In-Tip Jet Injector (CIP)	Filed 09/18/01 European Patent No. 01203543.2	
11102.1.3b	Air-In-Tip Jet Injector (CIP)	Filed 09/20/01 Japanese Patent No. 2001-286758	
11102.2	Needleless Jet Injector System With Separate Drug Reservoir	Filed 06/26/01 USSN 09/892,366	
11102.2a	Needleless Jet Injector System With Separate Drug Reservoir	Filed 06/24/02 European Patent No. 02077488.1	
11102.2b	Needleless Jet Injector System With Separate Drug Reservoir	Filed 06/26/02 Japanese Patent No. 2002-185404	
11102.4	Vacuum Control Cycle for Jet Injector	Filed 09/07/01 USSN 09/949,484	

SCHEDULE A (Continued)

<u>DOCKET</u>	<u>TITLE</u>	<u>DATE FILED</u> <u>SERIAL NO.</u>	<u>DATE ISSUED</u> <u>PATENT NO.</u>
11102.4a	Vacuum Control Cycle for Jet Injector	Filed 09/05/02 European Patent No. 02078669.5	
11102.4b	Vacuum Control Cycle for Jet Injector	Filed 09/06/02 Japanese Patent No. 2002-261057	
11102.5	Jet Injector Having a Mechanism for Creating Air-in-Tip	Filed 04/15/02 USSN 10/123,898	
11102.5a	Jet Injector Having a Mechanism for Creating Air-In-Tip	Filed 04/09/03 European Patent No. 03076042.5	
11102.5b	Jet Injector Having a Mechanism for Creating Air-In-Tip	Filed 04/14/03 Japanese Patent No. 2003-109102	
11102.7	Jet Injector with Data Logging System for Use in Compliance and Dose Monitoring Programs	Filed 04/15/02 USSN 10/123,870	
11102.7a	Jet Injector With Data Logging System for Use in Compliance and Dose Monitoring Programs	Filed 04/09/03 European Patent No. 03076041.7	
11102.7b	Jet Injector With Data Logging System for Use in Compliance and Dose Monitoring Programs	Filed 04/14/03 Japanese Patent No. 2003-108766	



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SEPTEMBER 05, 2002

PTAS

Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

NYDEGGER & ASSOCIATES
NEIL K. NYDEGGER
348 OLIVE STREET
SAN DIEGO, CALIFORNIA 92103



102148170A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/05/2002

REEL/FRAME: 013053/0576
NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
SLATE, JOHN B.

DOC DATE: 04/22/2002

ASSIGNOR:
BURK, MICHAEL W.

DOC DATE: 04/22/2002

ASSIGNOR:
GORTON, LANNY A.

DOC DATE: 04/22/2002

ASSIGNEE:
AVANT DRUG DELIVERY SYSTEMS, INC.
3914 KENDALL STREET
SAN DIEGO, CALIFORNIA 92109

SERIAL NUMBER: 10123898
PATENT NUMBER:

FILING DATE: 04/15/2002
ISSUE DATE:

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SEP 10 2002

NYDEGGER & ASSOC

013053/0576 PAGE 2

JEEVON JONES, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT

We, John B. Slate, residing at 3914 Kendall Street, San Diego, California 92109; Michael W. Burk, residing at 1917 Redwing Street, San Marcos, California 92069; and Lanny A. Gorton, residing at 10302 Viacha Drive, San Diego, California 92124; have invented a method and apparatus entitled JET INJECTOR HAVING A MECHANISM FOR CREATING AIR-IN-TIP, hereinafter called the "invention."

Preferred embodiments of said invention are disclosed in a United States patent application executed heretofore by us and now identified as File No. 11102.5 of the law firm of Nydegger & Associates, 348 Olive Street, San Diego, California 92103, and filed in the United States Patent and Trademark Office as Serial No. 10/ 123,898 on April 15, ~~2002~~, 2002. (We hereby authorize the attorneys of Nydegger & Associates to insert said serial number and filing date when known.)

The Assignee, Avant Drug Delivery Systems, Inc., a corporation of the State of California, having a principal place of business at 3914 Kendall Street, San Diego, California 92109, desires to secure the entire right, title and interest in said invention.

For good and valuable consideration paid to us by the Assignee, the receipt and sufficiency of which we hereby acknowledge, we HEREBY ASSIGN TO THE ASSIGNEE:

The entire right, title and interest in said invention in the above-identified United States patent application and in all divisions and continuations of said application, or reissues or extensions of Letters Patent or Patents granted thereon, and in all corresponding applications which may be filed in countries foreign to the United States, and in all patents issuing thereon in the United States and foreign countries.

The right to file foreign patent applications on said invention in its own name, wherever such right may be legally exercised, including the right to claim the benefits of the International Convention for such applications.

We hereby authorize and request the United States Commissioner of Patents and Trademarks, and such Patent Office officials in foreign countries as are duly authorized by their patent laws to issue patents, to issue any and all patents on said invention to the Assignee as the owner of the entire interest, for the sole use and behoof of the said Assignee, its successors, assigns and legal representatives.

We hereby agree, without further consideration and without expense to us, to sign all lawful papers and to perform all other lawful acts which the Assignee may request of us to make this Assignment fully effective, including, by way of example but not of limitation, the following:

Prompt execution of all original, divisional, substitute, reissue, and other United States and foreign patent applications on said invention, and all lawful documents requested by the Assignee to further the prosecution of any of such patent applications.

Cooperation to the best of our ability in the execution of all lawful documents, the production of evidence, nullification, reissue, extension, or infringement proceedings involving said invention.

This assignment and agreement shall be binding upon our heirs and legal representatives.

John B. Slate
John B. Slate

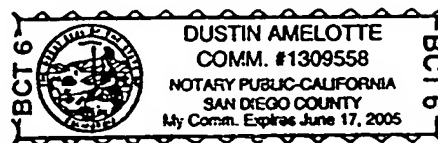
ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF San Diego)

On April 22nd, 2002, before me, Dustin Amelotte, Notary Public, personally appeared John B. Slate, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[Signature] (Seal)



[Signature]
Michael W. Burk

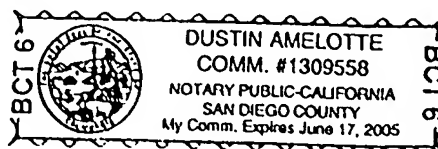
ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF San Diego)

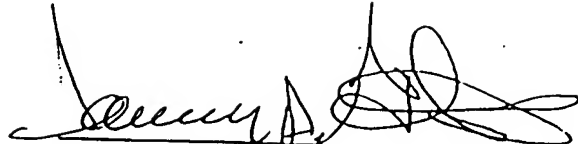
On April 22nd, 2002, before me, Dustin Amelotte, Notary Public, personally appeared Michael W. Burk, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[Signature] (Seal)



(Signatures Continued on Page 4)

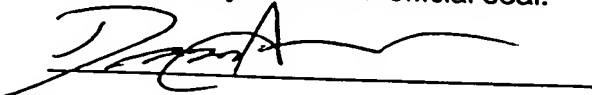

Lanny A. Gorton

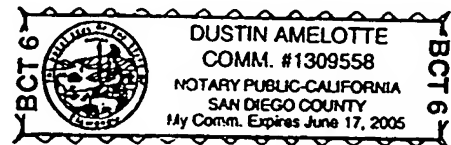
ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF San Diego) ss.

On April 22nd, 2002, before me, Dustin Amelotte, Notary Public, personally appeared Lanny A. Gorton, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

 (Seal)



assign:ddb
Docket: 11102.5